

# 10

PATENT



GNTX-00100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Robert J. Christy

Serial No. 09/879,746

Filed: June 11, 2001

For: Detection of Estrogen Receptor- $\beta$   
and Methods for Diagnosis and Classification  
of Cancer

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Atty. Dkt. No.: GNTX-00100

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below and telecopied:  
12.10.02 R. J. Christy  
Date Signature

**REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 CFR 1.47(a)**

Assistant Commissioner for Patents  
Attn: Patricia Faison-Ball  
Seniors Petitions Attorney  
Box DAC  
Washington, D.C. 20231

*Via regular mail and  
telecopier 703.308.6916*

Dear Ms. Faison:

This is a reply to an Office Action mailed June 10, 2002, setting a two month statutory period for response. Enclosed, please also find the Request for Extension of Time for filing a response to this action.

The above identified application was filed on June 11, 2001, with an un-executed Declaration and Power of Attorney. On August 20, 2001, a "Notice to File Missing Parts of Application" was mailed asking for an executed declaration or oath by all inventors, a surcharge

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for late filing fees, and a corrected Sequence Listing. On January 21, 2002, applicant, filed all required missing parts with the exception of the Declaration and Power of Attorney. The filed Declaration and Power of Attorney was signed by two of the three inventors, Robert J. Christy and Yi-Chun J. Wang. Dr. Suzanne A.W. Fuqua was given opportunity to sign said Declaration and Power of Attorney, but at the time refused to do so. A petition entitled "Declaration for Facts in Support of Filing on Behalf of Unwilling Inventor" and an affidavit in support of Dr. Fuqua's non-willingness to sign was filed along with the papers of the Notice to File Missing Parts.

On June 10, 2002, the Decision Refusing Status Under 37 CFR 1.47(a) was sent dismissing the petition for not providing sufficient details of the manner in which the application papers were presented to Dr. Suzanne A.W. Fuqua and the method of refusal by Dr. Fuqua.

Since the mailing of the June 10, 2002, Decision, attorney for applicant has been in contact with Dr. Fuqua informing her of this Decision. At this time, Dr. Fuqua as decided to sign the Declaration and Power of Attorney so the application will not be abandoned. See attached Declaration and Power of Attorney executed by Dr. Fuqua on December 3, 2002. Also see attached the previously filed Declaration and Power of Attorney that was executed by the other two co-inventors, Robert J. Christy and Yi-Chun J. Wang.

Applicant believes the filing of this Reconsideration Request and the fully executed Declaration and Power of Attorney meets all requirements of the Patent and Trademark Office in order for this application to proceed through the patent process.

Applicant does not believe there are any filing fees for the filing of the Reconsideration Request other than the Petition for Extension of Time filing fees, but does hereby authorize the Assistant Commissioner for Patents to deduct any said fees from Deposit Account 50-1085 that may be necessary in filing this Reconsideration Request.

Respectfully submitted,

**McDaniel & Associates**

*Jonathan D. McDaniel Reg. No. 44,790  
directed to sign on behalf of*

DATE:

12/10/02

**C. Steven McDaniel**

Registration No. 33,962

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